

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHERN DIVISION**

In re: MARVIN REX RANKIN III ¹)	
SSN: xxx-xx-3901)	Case No.: 20-80495-CRJ-11
)	
and)	
)	
MARY BETH)	
LEMMOND RANKIN)	
SSN: xxx-xx-7950)	
)	
Debtors.)	CHAPTER 11
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DEBTORS' MOTION TO COMPEL TURNOVER

COME NOW Marvin Rex Rankin III and Mary Beth Lemmond Rankin, RWS Charter LLC, and Bayport Corporation, Ltd. (collectively, the “**Debtors**”), and show unto this Honorable Court as follows:

Background

1. On February 8, 2020, and on February 13, 2020, the Debtors commenced with this Court three voluntary cases under Chapter 11 of Title 11, United States Code.
2. This Court has subject matter jurisdiction to consider and determine this motion for turnover (this “Motion”) pursuant to 28 U.S.C. § 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.
3. The Debtors bring this Motion pursuant to Sections 542(e) and 543 of the Bankruptcy Code.
4. This Motion is a contested matter under Bankruptcy Rule 9014.

¹ In addition to Marvin Rex Rankin III and Mary Beth Lemmond Rankin., the Debtors include the following: RWS Charter LLC, Case No. 20-80470-CRJ11; and Bayport Corporation, Ltd., Case No. 20-80471-CRJ11

Pertinent Facts

5. As of the Chapter 11 filings, the Debtors had, and continue to have, a potential malpractice claim against George Wayne White, CPA and his accounting practice, GWW CPA LLC.

6. On July 26, 2019, special counsel for the Debtors sent a written demand for George Wayne White, CPA and GWW CPA LLC to immediately turn over documents and records concerning the Debtors' tax liabilities and tax returns. A true copy of said demand is attached hereto as Exhibit "A."

7. As of the filing of this Motion, George Wayne White, CPA and GWW CPA LLC have yet to turn over any documents and records to the Debtors.

Relief Sought

8. Pursuant to pursuant to Sections 542(e) and 543 of the Bankruptcy Code, the Debtors seek turnover from George Wayne White, CPA and GWW CPA LLC of all documents and records relating to the tax liabilities and tax returns of the Debtors as more fully stated and specified in Exhibit "A."

9. Pursuant to Bankruptcy Rule 2002, the Debtors propose to serve a copy of this Motion upon George Wayne White, CPA and upon GWW CPA LLC, both via its registered agent and at its primary business address, and on the Bankruptcy Administrator.

10. Pursuant to Bankruptcy Rule 2002, the Debtors propose that the Bankruptcy Court provide no less than 20 days' notice by mail to persons described in the preceding paragraph of the time within which objections to the relief requested in this Motion must be filed and of the hearing on any such objections.

WHEREFORE, premises considered, Marvin Rex Rankin III and Mary Beth Lemmond Rankin, RWS Charter LLC, and Bayport Corporation, Ltd. pray that this Court will enter an Order: requiring turnover from George Wayne White, CPA and GWW CPA LLC of all documents and records relating to the tax liabilities and tax returns of the Debtors; and granting such further relief as the Court deems just and proper.

Respectfully submitted this the 9th day of July, 2020.

/s/ Tazewell T. Shepard

Tazewell T. Shepard III

Tazewell T. Shepard IV

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CERTIFICATE OF SERVICE

This is to certify that I have this the 9th day of July, 2020 served the foregoing document upon all addressees on the Clerk's Mailing Matrix, Richard M. Blythe, Office of the Bankruptcy Administrator, and all parties requesting notice, by electronic service through the Court's CM/ECF system and/or by placing a copy of the same in the U. S. Mail, postage prepaid.

/s/ Tazewell T. Shepard

Tazewell T. Shepard